

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

APR 30 2009

JOHN F. CONRAD, CLERK
BY: 
DEPUTY CLERK

JERRY D. SAYERS,

Petitioner,

v.

COMMONWEALTH OF VIRGINIA,

Respondent.

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)
)
) Case No. 7:09CV00149
)
)
)
) FINAL ORDER
)
) By: Glen E. Conrad
) United States District Judge
)

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that this action, conditionally filed as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice; the clerk shall send petitioner a copy of the form provided to litigants wishing to file a § 2254 habeas petition; and this action is stricken from the active docket of the court.

ENTER: This 30th day of April, 2009.



United States District Judge